

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**DECLARATION OF STEPHANIE ACKERMAN IN SUPPORT OF THE TRUSTEE'S  
MOTION AND MEMORANDUM TO AFFIRM HIS DETERMINATIONS  
DENYING CLAIMS OF CLAIMANTS HOLDING INTERESTS IN 1973 MASTERS  
VACATION FUND, BULL MARKET FUND, AND STRATTHAM PARTNERS**

I, Stephanie Ackerman, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an associate with Baker & Hostetler LLP, counsel to Irving H. Picard, Esq., trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), and for Bernard L. Madoff ("Madoff") (collectively, "Debtor").

2. I am fully familiar with this case and the facts set forth herein.

3. For purposes of Trustee's Motion And Memorandum To Affirm His Determinations Denying Claims Of Claimants Holding Interests In 1973 Masters Vacation Fund, Bull Market Fund, and Strattham Partners (the "Motion"), the Trustee selected three BLMIS

accounts (collectively, the “Accounts”): 1M0114 held by 1973 Masters Vacation Fund, 1B0081 held by Bull Market Fund, and 1ZB262 held by Strattham Partners (collectively, the “Partnerships”).

4. A list of Objecting Claimants who invested in one or more of the Partnerships whose claims are dealt with by this Motion is annexed as Exhibit 2 to the Declaration of Vineet Sehgal filed in support of the Motion (the “Sehgal Declaration”). The Motion addresses all outstanding docketed objections that have been filed to date by Objecting Claimants who invested in the Partnerships, details of which objections are contained in Sehgal Declaration Exhibits 2 and 3.

5. I supervised the service of discovery, including Requests for Admission, by the Trustee on the Objecting Claimants listed in Exhibit 2 to the Sehgal Declaration. I also personally reviewed and caused to be entered into our system each response to Requests for Admission or to Interrogatories that were received by our office. Most of the Objecting Claimants failed to respond.

6. During the course of my work on this matter, and to properly prepare and serve discovery, I personally reviewed hundreds of documents, including the claims filed by the Objecting Claimants, the respective notices of determination of claims issued by the Trustee, and the respective objections to the Trustee’s notices of determination of claims filed by the Objecting Claimants, in addition to reviewing the Partnership account files as contained in the books and records of BLMIS.

7. The Objections to Determination filed on behalf of all but one of the Objecting Claimants associated with Bull Market Fund were filed by Seth L. Rosenberg and Paul S. Hugel

of Clayman and Rosenberg LLP. The remaining objecting claimant filed a *pro se* Objection to Determination.

8. Objections to Determination filed on behalf of Objecting Claimants Loretta Keane, and George G. and Linda G. Pallis associated with the 1973 Masters Vacation Fund were filed by Helen Chaitman of Becker & Poliakoff, LLP. The remaining Objecting Claimants associated with the 1973 Masters Vacation Fund filed *pro se* Objections to Determination. To clarify attorney representation issues, on September 19, 2013, we requested that Ms. Chaitman provide the Trustee with verification as to which Objecting Claimants Becker & Poliakoff LLP represents. She did so on October 4, 2013 and December 2, 2013, on October 4, 2013 she stated that she did represent Loretta Keane, and George G. and Linda G. Pallis associated with the 1973 Masters Vacation Fund in connection with the Partnerships' discovery. Subsequently, on December 2, 2013, Ms. Chaitman stated that she no longer represented Loretta Keane, and George G. and Linda G. Pallis associated with the 1973 Masters Vacation Fund in connection with the Partnerships' discovery.

9. Objections to Determination filed on behalf of one of the Objecting Claimants associated with Strattham Partners was filed by Helen Chaitman of Phillips Nizer LLP. To clarify attorney representation issues, on September 19, 2013, we requested that Ms. Chaitman provide the Trustee with verification as to which Objecting Claimants Becker & Poliakoff LLP represents. She did so on October 4, 2013 and December 2, 2013, and indicated on both those occasions that she did not represent any of the Objecting Claimants associated with Strattham Partners in connection with the Partnerships' discovery. Additionally, Phillips Nizer LLP confirmed that they, likewise, did not represent the Objecting Claimants in connection with the Partnerships' discovery.

**Service of Requests for Admission and Other Discovery**

10. I caused discovery to be served on Objecting Claimants either through counsel, or in a *pro se* capacity, or in an abundance of caution, both, using contact details from the claims, or objections to the Trustee's notices of determination of claims, or the debtor's books and records, all as provided by the Trustee's claims agent, AlixPartners. Each of the Trustee's discovery requests contained a certificate of service setting out how and when service was made.

11. Prior to Ms. Chaitman's December 2, 2013 clarification of her representation status, I caused discovery to be served on Objecting Claimants claiming customer status through 1973 Masters Vacation Fund, by sending discovery to Ms. Chaitman. A copy of the complete discovery as sent, with cover letter and certificate of service, is attached as Exhibit 1.

12. Because Ms. Chaitman clarified that she did not represent any of the Objecting Claimants for purposes of discovery, Requests for Admission, as well as Interrogatories and Requests for Production, were ultimately served on those Objecting Claimants personally.

13. No responses to the Requests for Admission (nor any of the other discovery) as to the Bull Market Fund were received. The responses the Trustee received to the Interrogatories or Requests for Admission associated with the 1973 Masters Fund and Strattham Partners are attached *infra*.

**Pro Se Responses To Interrogatories and Requests for Admission**

14. Attached hereto as Exhibit 2 is a true and correct copy of the responses to both the Requests for Admission and the Interrogatories that were served on Anthony F. Russo, M.D., and a copy of the cover letter and of the Trustee's certificate of service for the discovery.

15. Attached hereto as Exhibit 3 is a true and correct copy of the responses to both the

Requests for Admission and the Interrogatories that were served on Loretta Keane, and a copy of the cover letter and of the Trustee's certificate of service for the discovery.

16. Attached hereto as Exhibit 4 is a true and correct copy of the responses to both the Requests for Admission and the Interrogatories that were served on George and Linda G. Pallis, and a copy of the cover letter and of the Trustee's certificate of service for the discovery.

17. Attached hereto as Exhibit 5 is a true and correct copy of the responses to both the Requests for Admission and the Interrogatories that were served on Christopher Altieri, Jr., and a copy of the cover letter and of the Trustee's certificate of service for the discovery.

18. Attached hereto as Exhibit 6 is a true and correct copy of the responses to both the Requests for Admission and the Interrogatories that were served on Christopher and Marie Altieri and a copy of the cover letter and of the Trustee's certificate of service for the discovery.

#### **Documents Produced**

19. Attached hereto as Exhibit 7 are true and correct copies of the documents produced to the Trustee in response to requests for production to Dr. Anthony Russo, M.D. including 2000 to 2008 tax forms K-1, and various correspondence related to Dr. Russo's investment in 1973 Masters Vacation Fund.

20. Attached hereto as Exhibit 8 are true and correct copies of checks produced to the Trustee in response to requests for production to George and Linda Pallis.

#### **Represented Objecting Claimants Who Failed to Respond to Requests for Admission**

21. Attached hereto as Exhibit 9 is a true and correct copy of Requests for Admission (including certificate of service and cover letter) that was served on Objecting Claimants through

counsel, for which the Trustee received no responses. These requests for admission relate to Bull Market Fund Objecting Claimants (claim numbers 005198, 010791, 010793, 011046, 011048, 011050, 011051, 011052, 011053, 011060, 011061, 011062, 011210, 011211, 011212, 011213, 011214, 011215, 011216, 011217, 011218, 011219, 011221, 011222, 011223, 011224, 011225, 011226, 011227, 014577, 014578, 014579 and 014580).

**Pro Se Objecting Claimants Who Failed To Respond To Requests For Admission**

22. Attached hereto as Exhibit 10 is a chart of other Objecting Claimants who did not respond to the Requests for Admission served upon them. The Objecting Claimants who received these requests were either (1) Objecting Claimants who had filed a *pro se* objection to the Trustee's notice of determination of claim, or (2) Objecting Claimants whose objections to determination had been filed by counsel.

23. There were two sets of Requests for Admission sent to Objecting Claimants in their discovery packages, one set sent to the 1973 Masters Vacation Fund, and another for both the Bull Market Fund and Strattham Partners which are distinguished by variations in the "RFA Type" column of the Exhibit 8 chart. Twelve of the actual Requests for Admission in the three sets are identical, but the Bull Market Fund and Strattham Partners sets had three additional Requests for Admission not present in the 1973 Masters Vacation Fund set.

24. The 1973 Masters Vacation Fund Objecting Claimants each received a package with twelve identical numbered Requests for Admission (RFA Type "1" in the Exhibit 10 chart).

25. The Bull Market Fund and Strattham Partners Objecting Claimants received a discovery package with fifteen numbered Requests for Admission that were identical from one package to another (RFA Type "2" in the Exhibit 10 chart).

26. Examples of the two types of Requests for Admission discussed in the two immediately preceding paragraphs are attached as Exhibit 11 (Dr. Anthony F. Russo, M.D., 1 on chart); Exhibit 12 (Christopher Altieri, Jr., 2 on chart);. Exhibits 11 and 12 each contain the cover letter and Requests for Admission as sent, but omit the other enclosures referenced in the cover letter.

27. The cover letters sent to the various Objecting Claimants in the Exhibit 10 chart had other relevant variations (date, addressee, claim number, due date for responses, references to the dates and docket numbers of objections) that are not directly relevant to the requests for admission themselves.

28. Given there are voluminous Requests for Admission and that there is no variation other than as mentioned in this declaration, the Trustee is offering to provide these documents on request rather than attaching them to this declaration.

29. Attached as Exhibit 13 is a complete set of the Certificates of Service applicable to the Requests for Admission served on the Objecting Claimants listed in the Exhibit 10 chart.

#### **Miscellaneous Exhibits**

30. Attached hereto as Exhibit 14 are selected pages of the transcript of the hearing held February 25, 2015 regarding Trustee's Motion And Memorandum To Affirm His Determinations Denying Claims Of Claimants Holding Interests In S & P Or P & S Associates, General Partnerships (ECF No. 8734).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 15, 2015

New York, New York

/s/ Stephanie Ackerman  
Stephanie Ackerman, Esq.  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111